UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,261	11/29/1999	RANDY P. STANLEY	INTL-0289-US	7389

7590   02/19/2003

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EXAMINER
LIN, KENNY S

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Advisory Action	Application No.	Applicant(s)
	09/450,261	STANLEY, RANDY P.
	Examiner	Art Unit
	Kenny Lin	2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see attached paper*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *none*.

    Claim(s) objected to: *none*.

    Claim(s) rejected: *1-20*.

    Claim(s) withdrawn from consideration: *none*.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *see attached paper*

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

U.S. Patent and Trademark Office

PTO-303 (Rev. 04-01)   Advisory Action   Part of Paper No. 7

1. The request for reconsideration has been entered and considered but does not overcome the rejection because:

    a. Applicant argues that (1) Tsukakoshi fails to teach or disclose data transmission by automatically transmitting time sensitive data for subsequent automatic display thereof at a predetermined time, (2) The automatic transfer and subsequent automatic display of the time sensitive data, as claimed in claim 1, is different from the user intervention based data transfer in which criteria has to be met for the transfer to occur, and (3) With respect to claim 2, the time sensitive data is automatically transferred when it is determined that the first processor-based system is being powered off. However, examiner has already addressed to argument (1), (2) and (3) in final rejection paragraphs 6 and 9. Tsukakoshi et al disclosed a system that would transfer the time sensitive data that had been edited by the PIM software when certain criteria are met without user intervention (col.1, lines 53-64, col.3, line 65 to col.4, line 4, lines 9-11, 16-23, 42-44, col.10, lines 48-60). Furthermore, the specification disclosed in page 7, lines 15-18 that the automatic transferring is done when the events are preprogrammed or periodically transferring is set. Such preprogramming and periodically transferring requires user intervention and that the automatic transferring is triggered when certain criteria is met. Claim 2 evidently supported that the automatic transferring is started <u>when</u> detected that the first processor-based system is being powered off, which is the triggering criteria.

b. Applicant requested the examiner to cite reference to support each instance where

official notice was taken. Examiner respectfully request the applicant to view

references Deo et al, US 6,356,956, specifically column 2, lines 21-35, column 5,

lines 47-55, Philipson et al, US 6,334,046, specifically column 2, lines 7-14,

column 3, lines 3-5, as regarding to automatic transferring of time sensitive data.

View reference Hallowell et al, US 5,920,728, specifically column 3, lines 11-15,

as regarding to execute instructions such as saving or transferring files prior to

system shut down. All listed references here were cited in the previous office

actions.

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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a. Applicant argues that (1) Tsukakoshi fails to teach or disclose data transmission by automatically transmitting time sensitive data for subsequent automatic display thereof at a predetermined time, (2) The automatic transfer and subsequent automatic display of the time sensitive data, as claimed in claim 1, is different from the user intervention based data transfer in which criteria has to be met for the transfer to occur, and (3) With respect to claim 2, the time sensitive data is automatically transferred when it is determined that the first processor-based system is being powered off. However, examiner has already addressed to argument (1), (2) and (3) in final rejection paragraphs 6 and 9. Tsukakoshi et al disclosed a system that would transfer the time sensitive data that had been edited by the PIM software when certain criteria are met without user intervention (col.1, lines 53-64, col.3, line 65 to col.4, line 4, lines 9-11, 16-23, 42-44, col.10, lines 48-60). Furthermore, the specification disclosed in page 7, lines 15-18 that the automatic transferring is done when the events are preprogrammed or periodically transferring is set. Such preprogramming and periodically transferring requires user intervention and that the automatic transferring is triggered when certain criteria is met. Claim 2 evidently supported that the automatic transferring is started __when__ detected that the first processor-based system is being powered off, which is the triggering criteria.

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